

REMARKS

By this amendment, claim 1 has been amended and claim 13 has been canceled without prejudice or disclaimer. Claims 14-16 were previously withdrawn. Accordingly, claims 1-12 are currently pending in the application, of which claim 1 is an independent claim.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least at page 9, lines 4-8 of the specification.

Entry of the Amendment is proper under 37 C.F.R. §1.116 because it (a) places the application in *prima facie* condition for allowance for the reasons discussed herein; (b) does not raise new issues requiring further search and/or consideration by the Examiner because similar subject matter was previously considered by the Examiner and thus further consideration and/or search by the Examiner is not warranted; and (c) places the application in better form for appeal, should an appeal be necessary. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Interview Summary

Applicants thank the Examiner for the courtesies extended during the interview of September 7, 2006. During the interview, Applicants' representative requested clarification of the Examiner's rejections of claim 1 in view of Naoki and claims 1 and 5-8 in view of "Naoki (US 6413677" [which is issued to Hamamoto, *et. al.*]) in view of Yeager and Tsutsumi. Applicants' representative noted to the Examiner that the rejections for claims 1 and 5-8 were ambiguous because the Examiner referred to Naoki, but provided citations that were not applicable to Naoki

or Hamamoto with regard to the Examiner's rejections. Accordingly, Applicants were unable to provide a comprehensive response to the Examiner's rejections. Applicants' representative requested the Examiner provide a new Office Action with proper citations. In response, the Examiner provided the present Office Action.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 9-11 and 13 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Japanese Publication No. 11-273731 applied for by Naoki ("Naoki").

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Claim 1, as amended, recites *inter alia*:

A lithium secondary battery, comprising:

an electrolyte on the separator, wherein the electrolyte includes a non-aqueous organic solvent, a lithium salt, and a linear polymer having P=O bonds,

wherein the linear polymer having P=O bonds is present in an amount ranging from about 0.005 to less than 5 wt% based on the total amount of the electrolyte.

Applicants respectfully submit that Naoki fails to teach or suggest at least such features. Rather, Naoki discloses that the polymer phosphoric ester occupies 5-20 vol% for controlling the viscosity of the electrolytic solution and for acquiring a good load characteristic (See paragraph [0026]). The Office Action states that "differences in ranges will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating that such ranges is critical." (page 3). The specification states at page 9, lines 4-9:

The linear polymer having P=O bonds is preferably present in an amount ranging from about 0.005 to about 5 wt% based on the total amount of the electrolyte. The preferable effect of the linear polymer is not likely to occur when the polymer is present in an amount of less than about 0.005 wt%, and battery performance such as capacity characteristics deteriorates when the polymer exists in an amount exceeding 5 wt%.

Hence, there is support to indicate that the range of claim 1 is critical. Therefore, Applicants respectfully submit that Naoki fails to teach or suggest each and every claimed feature of amended claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-4 and 9-11. Claims 2-4 and 9-11 depend from claim 1 and are allowable for at least this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 1, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Naoki in view of U. S. Patent Application Publication No. 2002/0177027 as applied for by Yeager ("Yeager"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that amended claim 1 is allowable over Naoki, and Yeager fails to cure the deficiencies of Naoki noted above with regard to amended claim 1. Hence, claim 12 is allowable at least because it depends from an allowable claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 12. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that claim 12 is allowable.

Claims 1 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Naoki in view of U.S. Patent No. 6,645,671 issued to Tsutsumi ("Tsutsumi"). Applicants respectfully traverse this rejection for at least the following reasons.

As noted above, Naoki fails to teach or suggest each and every claimed feature of amended claim 1, and Tsutsumi fails to cure the deficiencies of Naoki noted above with regard to amended claim 1. Hence claims 5-8 are allowable at least because they depend from an allowable claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 5-8. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 1, and all the claims that depend therefrom, are allowable.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Naoki. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 13 has been cancelled. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 13.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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